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EXAMINER

TOLENTINO, RODERICK

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,457	Applicant(s) KUTARAGI ET AL.	
	Examiner Roderick Tolentino	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

[001] Claims 1 – 38 are pending.

Claim Rejections - 35 USC § 112

[002] The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

[003] Claims 16, 11, 12 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 16, applicant claims a determination of whether unique info occurs simultaneously. Currently, the cited determining limitation is only directed to a single portion of data, "the information" as made reference to by the second information process apparatus. It is unclear to the examiner what other data is simultaneously being examined.

[004] As per claims 11, 12 and 21 recite the limitation "the reference " in. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

[005] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

[006] Claim rejected under 35 U.S.C. 102(b) as being anticipated by Kataoka et al.
U.S. Patent No. (5,857,021).

As per claim 1 Kataoka teaches a first information processing apparatus capable of being loaded with a first recording medium (Kataoka, Col. 3 Lines 23 – 28) and a second information processing apparatus capable of being connected to the first information processing apparatus via a network (Kataoka, Col. 3 Lines 15 – 17) wherein the second information processing apparatus is operative to receive, from the first information processing apparatus, unique information relating to the first information processing apparatus and unique information relating to the first recording medium, and further the second information processing apparatus is operative to make reference to each of said received unique information and also to information within a database which is included in, or connected to, the second information processing apparatus and capable of accumulating, erasing and so on of information, thereby to perform verification of the recording medium (Kataoka, Col. 3 Lines 19 – 28).

[007] As per claim 2, Kataoka teaches the second information processing apparatus further enables the database to accumulate either of the unique information relating to the first information processing apparatus or the unique information relating to the first recording medium (Kataoka, Col. 3 Lines 42 – 47).

[008] As per claim 3, Kataoka teaches the second information processing apparatus further enables the database to accumulate both of the unique information relating to

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the first information processing apparatus and the unique information relating to the first recording medium (Kataoka, Col. 3 Lines 42 – 47).

[009] As per Claim 4, Kataoka teaches the information within the database comprises either of the unique information relating to the first information processing apparatus or the unique information relating to the first recording medium, which is pre-recorded in the database (Kataoka, Col. 3 Lines 42 – 47).

[010] As per claim 5, Kataoka teaches the information within the database comprises both of the unique information relating to the first information processing apparatus and the unique information relating to the first recording medium, which are pre-recorded in the database (Kataoka, Col. 3 Lines 42 – 47).

[011] As per claim 6, Kataoka teaches the information within the database is updated to newly accumulated information (Kataoka, Col. 3 Lines 42 – 47).

[012] As per claim 8, Kataoka teaches the second information processing apparatus further enables or disables processing to be performed in the first information processing apparatus (Kataoka, Col. 3 Lines 19 – 22).

[013] As per claim 9, Kataoka teaches the second information processing apparatus further enables or disables the first information processing apparatus to read out a program stored in the first recording medium (Kataoka, Col. 3 Lines 25 – 31).

[014] As per claim 10, Kataoka teaches the second information processing apparatus is operative to transmit a permission signal for enabling processing to be performed by the first information processing apparatus or an inhibit signal for disabling processing to

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be performed by the first information processing apparatus. (Kataoka, Col. 3 Lines 48 – 57).

[015] As per claim 11, Kataoka teaches the system is configured such that when the results of the reference made by the second information processing apparatus indicates that information corresponding to the unique information relating to the first recording medium is accumulated in the database, the processing to be performed by the first information processing apparatus is enabled

[016] As per claims 12, Kataoka teaches the unique information relating to the first information processing apparatus and the unique information relating to the first recording medium may be accumulated as interrelated information in the database (Kataoka, Col. 4 Lines 20 – 28), and the system is configured such that when the results of the reference made by the second information processing apparatus indicates that the unique information relating to the first information processing apparatus and the unique information relating to the first recording medium, received by the second information processing apparatus, match with the interrelated information in the database, the processing to be performed by the first information processing apparatus is enabled (Kataoka, Col. 4 Lines 50 – 55 and Lines 63 - 67).

[017] As per claim 13, Kataoka teaches an encrypted program is stored in the first recording medium (Kataoka, Col. 1 Lines 55 – 58), and wherein the second information processing apparatus is operative to transmit information for decrypting the program in the first recording medium that is encrypted by the first information processing

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apparatus, thereby to enable reading of the first recording medium by the first information processing apparatus (Kataoka, Col. 5 Lines 65 – 68).

[018] As per claim 14, Kataoka teaches the information for decrypting comprises a decryption key (Kataoka, Col. 7 Lines 27 – 31).

[019] As per claim 15, Kataoka teaches the network system is connected to a third information processing apparatus capable of being mounted with a second recording medium different from the first recording medium, and wherein the second information processing apparatus is operative to receive unique information relating to the second recording medium from the third information processing apparatus, along with receipt of the unique information relating to the first recording medium from the first information processing apparatus (Kataoka, Fig. 1 Item 10, plurality of branches).

[020] As per claim 19, Kataoka teaches the first information processing apparatus is further capable of being mounted with a third recording medium, and wherein the second information processing apparatus is operative to transmit the unique information relating to the first information processing apparatus and the unique information relating to the first recording medium, to the first information processing apparatus, after it has received each of said unique information from the first information processing apparatus, and then the first information processing apparatus enables the second recording medium to store each of said unique information. (Kataoka, Fig. 1 Item 10, plurality of storage mediums).

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[021] As per claim 20, Kataoka teaches the first information processing apparatus makes reference to the unique information relating to the first recording medium as well as information stored in the third recording medium (Kataoka, Col. 4 Lines 29 – 36).

[022] As per claim 21, Kataoka teaches the event that the results of the reference made by the first information processing apparatus indicates that information corresponding to the unique information relating to the first recording medium is stored in the third recording medium, then the processing to be performed by the first information processing apparatus is enabled (Kataoka, Col. 4 Lines 29 – 36, Medium IDs).

[023] As per claim 22, Kataoka teaches the unique information relating to respective information processing apparatus is an apparatus ID (Kataoka, Col. 4 Lines 20 – 28).

[024] As per claim 23, Kataoka teaches the unique information relating to respective information processing apparatus is a user ID (Kataoka, Col. 4 Lines 20 – 28).

[025] As per claim 24, Kataoka teaches the unique information relating to respective recording medium is a recording medium ID (Kataoka, Col. 4 Lines 20 – 28).

[026] As per claim 25, Kataoka teaches the recording medium storing the application programs is an optical disk, and the unique information relating to said recording medium is a disk ID (Kataoka, Col. 3 Lines 29 – 34).

[027] As per claim 26, Kataoka teaches the disk ID is recorded in a region within a data area or a region other than the data area of the optical disk (Kataoka, Col. 3 Lines 42 – 47).

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[028] As per claim 27, Kataoka teaches the disk ID is detected by a computer based on an address of disk ID data recorded in a data area of the optical disk (Kataoka, Col. 3 Lines 29 – 34).

[029] As per claim 29, Kataoka teaches the disk ID is formed with a method using physical changes in pit rows (Kataoka, Col. 3 Lines 42 – 47).

[030] As per claim 30, the method using physical changes in pit rows uses one of change in radical direction of pit rows, change in the minor axis direction of pit size, and change in the depth direction of pits (Kataoka, Col. 3 Lines 42 – 47).

[031] As per claim 32, Kataoka teaches using the second information processing apparatus to receive, from the first information processing apparatus, unique information relating to the first information processing apparatus and unique information relating to the first recording medium (Kataoka, Col. 4 Lines 20 – 28), and using the second information processing apparatus to make reference to each of said received unique information and also to information within a database which is included in, or connected to, the second information processing apparatus and is capable of accumulating, erasing and so on of information, whereby verification of the first recording medium is performed (Kataoka, Col. 4 Lines 50 – 55 and Lines 63 - 67).

[032] As per claim 33, 35, 36, 37 and 38 Kataoka teaches the first information processing apparatus is capable of being connected to a second information processing apparatus via a network, and further the first information processing apparatus is operative to transmit, to the second information processing apparatus, unique information relating to the first information processing apparatus and unique information

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relating to the first recording medium (Kataoka, Col. 4 Lines 20 – 28), such that the first recording medium is verified by making reference to each of said transmitted information and also to information within a database which is included in, or connected to, the second information processing apparatus and is capable of accumulating, erasing and so on of information (Kataoka, Col. 4 Lines 50 – 55 and Lines 63 - 67).

[033] As per claim 34, Kataoka teaches the second information processing apparatus is operative to receive, from the first information processing apparatus, unique information relating to the first information processing apparatus and unique information relating to the first recording medium, and then to make reference to each of said received unique information and also to information within a database which is included in, or connected to, the second information processing apparatus and is capable of accumulating, erasing and so on of information, thereby to perform verification of the first recording medium (Kataoka, Col. 4 Lines 20 – 28).

Claim Rejections - 35 USC § 103

[034] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[035] Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. U.S. patent No. (5,857,021) and in view of Conklin et al. U.S. Patent No. (5,991,881).

[036] As per claim 7, Kataoka fails to teach the system is configured such that whenever unauthorized usage of the recording medium occurs, either of the unique information relating to the first information processing apparatus or the unique information relating to the first recording medium is accumulated in the database. However, Conklin teaches the system is configured such that whenever unauthorized usage of the recording medium occurs, either of the unique information relating to the first information processing apparatus or the unique information relating to the first recording medium is accumulated in the database (Conklin, Col. 1 Lines 21 – 27).

[037] At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Conklin's network surveillance system with Kataoka's Security system for storage media because it offers the advantage of collecting evidence and report progress of any intrusions to the network (Conklin, Col. 1 Lines 51 – 53).

[038] Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. U.S. patent No. (5,857,021) and in view of Flores et al. U.S. Patent No. (6,073,109).

[039] As per claim 16, Kataoka teaches the second information processing apparatus is operative to make reference to the unique information relating to the first recording

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medium received from the first information processing apparatus (Kataoka, Col. 4 Lines 20 - 28), and the unique information relating to the second recording medium received from the third information processing apparatus (Kataoka, Col. 4 Lines 20 - 28) but fails to teach the same unique information as made reference to by the second information processing apparatus occur simultaneously, the second information processing apparatus enables or disables the third information processing apparatus to read out a program stored in the second recording medium. However, Flores teaches the same unique information as made reference to by the second information processing apparatus occur simultaneously, the second information processing apparatus enables or disables the third information processing apparatus to read out a program stored in the second recording medium (Flores, Col. 11 Lines 10 – 23, Transaction Manager).

[040] At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Flores's system for managing processes with Kataoka's Security system for storage media because it offers the advantage of bringing order and coordination to the flow of work (Flores, Col. 1 Lines 12 – 16).

[041] As per claim 17, Kataoka as modified teaches the second information processing apparatus is operative to transmit, to the first information processing apparatus, information for confirmation of whether execution processing of the second recording medium to be performed in the third information processing apparatus is allowed or not (Flores, Col. 1 Lines 12 – 16, FIFO).

[042] As per claim 18, Kataoka as modified teaches the third information processing apparatus is operable to perform the execution processing of the second recording

medium when the second information processing apparatus receives consent from the first information processing apparatus (Flores, Col. 1 Lines 12 – 16).

[043] Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. U.S. patent No. (5,857,021) and in view of Uchiyama U.S. Patent No. (5,406,546).

[044] As per claim 28, Kataoka fails to specifically teach the disk ID is recorded in the disk with an organic coloring matter. However, Uchiyama teaches the disk ID is recorded in the disk with an organic coloring matter (Uchiyama, Col. 7 Lines 57 – 68).

[045] At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Uchiyama's magneto-optical recording medium with Kataoka's Security system for storage media because it offers the advantage of having satisfactory values of push-pull signal level, radial contrast and C/N ratio (Umichyama, Col. 2 Lines 3 – 6).

[046] Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. U.S. patent No. (5,857,021) and in view of Oshima et al. U.S. Patent No. (5,761,301).

[047] As per claim 31, Kataoka fails to teach the disk ID is formed with a method using electronic watermarking. However, Oshima teaches the disk ID is formed with a method using electronic watermarking (Oshima, Col.3 Lines 39 – 47).

[048] At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Oshima's mark forming apparatus with Kataoka's Security

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system for storage media because it offers the advantage of preventing infringement on pirated media (Oshima, Col. 1 Lines 16 – 18).

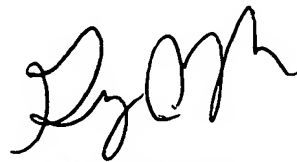
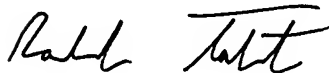
Conclusion

[049] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roderick Tolentino



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